

# **town of union**

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John M. Bernardo  
SUPERVISOR

November 2, 2010

**NOV 10 2010**

Water Docket  
Environmental Protection Agency  
Mailcode: 28221T  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460

RE: Chesapeake Bay Draft TMDL  
Docket ID No. EPA-R03-OW-2010-0736.

Dear Sir/Madame:

The Town of Union recognizes the importance of a healthy and thriving Chesapeake Bay and commends efforts to restore the Bay ecosystem. However, we feel that the EPA's draft Total Maximum Daily Load (TMDL) is inequitable, unattainable, and threatens to be punitive to our State and our local economies. Furthermore, we support the position of the NYS Department of Environmental Conservation and its water quality partners, and their assessment as put forward in the draft Watershed Implementation Plan.

The communities of New York State that comprise the headwaters of the Susquehanna and Chemung River watersheds have long recognized their role as partners in the restoration of the Chesapeake Bay. In acknowledgment of that role, New York State has made great strides to improve water quality through stringent regulations and programs in the areas of stormwater pollution prevention and agricultural environmental management, exceeding those mandated by the federal government. As a result, New York State water quality far exceeds that of other jurisdictions in the Chesapeake Bay watershed.

EPA's proposed TMDL imposes disproportionately heavy restrictions on NY. If other states reached the level of performance achieved in New York over the past decade for Nitrogen and Phosphorous, there would be no need for a TMDL. Even if other states in the watershed achieve their mandated allocations, their water would still contain more N and P than New York at present.

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The implementation of the TMDL will require New York State and local communities to embark on a project addressing agriculture, urban stormwater and wastewater treatment plants at a cost on the order of billions of dollars. This will have dramatic impacts on the economies of the Southern Tier as farms close faced with the cost of compliance and economic development is hindered by an additional cost of doing business.

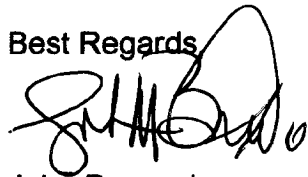
New York State has put forth a concerted effort to devise a draft water implementation plan that sets forth goals to achieve realistic and attainable results, yet still fell short of the EPA's desired reductions. If due to the already low pollutant levels in New York, these required reductions cannot be met, the extreme expense associated with the mandates will be fruitless. Rather than imposing a penalty for the great strides that have been achieved, the successes that have been accomplished in New York should be held as a model for other jurisdictions in the Chesapeake Bay Watershed.

The restoration of the Chesapeake Bay requires the participation of all partners and jurisdictions located in the Bay watershed. In order for to move forward in confidence, the TMDL load allocations need to be viewed as equitable, attainable and affordable by all parties involved.

Therefore, in regard to the establishment of the Chesapeake Bay TMDL in New York State, the Town of Union stands by the assessment of the NYS Department of Environmental Conservation and its water quality partners as set forth in the draft Watershed Implementation Plan. Furthermore, we urge the EPA to work with New York to develop a plan that will restore the Bay, yet does not come at the expense of the livelihood of New York communities.

Thank you for your attention on this important matter.

Best Regards,

A handwritten signature in black ink, appearing to read "John Bernardo", with a large, stylized flourish at the end.

John Bernardo  
Town Supervisor